

Virginia Ocean Plan  
FY17 Task 94.01  
Final Report, Grant Period October 1, 2017 to March 31, 2018  
Grant# NA17NOS4190152  
Compiled by Todd Janeski, VCU, Department of Life Sciences

This project was funded by the Virginia Coastal Program at the Department of Environmental Quality through Grant FY17: NA17NOS4190152 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Management, under the Coastal Zone Management Act of 1972, as amended.



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## Overview

The VCU Environmental Scientist/Analyst, as retained by the Virginia Department of Environmental Quality, Coastal Zone Management Program, served as the Ocean Planning Stakeholder Engagement Coordinator (OPSE) for the grant reporting period under the VACZM Section 309 Ocean Resources Strategy. During this period, a several tasks were undertaken: ocean stakeholder engagement for the Healthy Oceans Ecosystem's Goal of the Mid-A Ocean Action Plan, and the engagement of ocean users under the Sustainable Ocean Uses Goal of the AOP.

Ocean planning in the Commonwealth includes a partnership, the Mid-Atlantic Regional Council on the Ocean (MARCO), which includes representatives from the States of New York, New Jersey, Delaware, Maryland and Virginia. The broader MARCO effort is being supported through several contractors such as Monmouth University, University of Delaware, Rutgers University, Nature Conservancy, and NatureServe. Primarily, ocean planning brings together the sectors of Ports and Navigation, Military, Commercial Fisheries, Recreational Users, Alternative and Traditional Energy, Conservation, Tourism, and Local Government. These sectors have been brought together both in the Commonwealth as well as in the region to share information regarding ocean uses for the purpose of understanding the complexity of overlapping and abutting uses.

After resolving the initial challenges in grant ratification, the Ocean Planning Stakeholder Engagement (OPSE) Coordinator provided support to the Commonwealth by providing direct first person engagement and interaction with the commercial fishing industry. On February 21, 2018 in Richmond, the OPSE Coordinator attended the BOEM Offshore Continental Shelf Oil and Gas Development public meeting. A significant public presence was on site during a pre-event press conference expressing their lack of support for offshore energy development. However, once the press-event concluded, the event attendance was extremely light. The OPSE Coordinator met with representatives of BOEM and the commercial fishing industry in an informal setting at this meeting.

The OPSE Coordinator met with Dominion Energy and Orsted to discuss the planned deployment of the test turbines for the VA Offshore Wind Technology Advancement Project (VOWTAP), renamed to Coastal Virginia Offshore Wind, to prepare for in-water activities in the 2018 fishing season. Recommendations were shared with Dominion and Orsted to follow the process outlined in the Collaborative Fisheries Management Project and Best Management Practices. VA has offered to Dominion to assist in the development of communication materials that would inform the commercial and recreational sectors of timing and potential impacts. Dominion had indicated their interest but withheld firm commitment on the planned next steps. As this project progressed, VA had continued to offer to Dominion to assist in the development of communication materials that would inform the commercial and recreational sectors of timing

and potential impacts. Meetings with representatives of Orsted and Dominion began in June 2018 where information was shared that Unexploded Ordinance Surveys (UXOs) would commence in Sept and continue until complete, with an anticipated timeframe of 2-3weeks. Those surveys were completed before the end of Sept with little impact to the commercial fishing activities. Some abandoned fishing gear was found, owner identified and returned, based on conversations with BOEM personnel. Through these interactions with Dominion and Orsted, they identified their Fisheries Liaison that would be working directly with the industry. Dominion indicated they were pleased with VCU serving as the interim Fisheries Representative and would be interested in discussing a more formal role beginning in 2019. The OPSE Coordinator attended Governor Northam's kickoff of offshore wind at Nauticus, in Norfolk on August 4, 2018. A tour of the UXO survey vessel was offered as an option. The OPSE Coordinator communicated with representatives of the commercial and recreational sectors to make them aware of the upcoming survey work and timing of the vessel. It was revealed that Dominion had contracted several commercial fishing representatives to assist as scout vessels during that survey but made little effort to communicate with the recreational for-hire sector.

The OPSE Coordinator met with CZM, DEQ and NOAA staff to begin the process of outlining the development of a policy analysis to complete a Geographic Location Description (GLD) and Unlisted Activity effects analysis with a focus on the effects associated with energy development (oil, gas and renewable) on commercial fishing that is landed in Virginia. This process will permit the Commonwealth to have a direct stake in the evaluation of impacts as they relate to understanding the potential impacts to the revenue associated with commercial fisheries landings. The GLD will also permit the Commonwealth to review Licenses and Permits specifically as those may adversely affect fisheries landings in the Commonwealth.

The OPSE Coordinator was contacted by representatives of NC Wind/Kitty Hawk Wind to discuss outreach mechanisms for communicating with the shared commercial fishing fleet. Effort was made to reach the NC Fleet and seek their input. Upon their request, they indicated their desire for the VA OPSE Coordinator to serve as the intermediary between them and the Kitty Hawk Wind developer until further progress was made to identify a specific project and timeframe.

The OPSE Coordinator had extensive communication with field partners including Bureau of Ocean and Energy Management (BOEM), Department of Mines Minerals and Energy (DMME), VA Marine Resources Commission (VMRC) Orsted, Fisheries Representative from Sea Freeze Inc, Fisheries Liaison Representative from the UK, State of Rhode Island Coastal Program, Responsible Offshore Development Alliance (RODA), Long Island Commercial Fisheries Association and representatives from the Virginia commercial fishing fleet. Representatives from BOEM contacted the OPSE Coordinator to inform them of the NY Bight Task Force meetings where the Virginia fishing fleet was mentioned but not represented. BOEM provided an introduction to the point of contact for the Task Force and the OPSE Coordinator requested to be included in mailings and updates on future meetings. Further conversations with the BOEM NY Bight Task Force coordinator, the OPSE Coordinator requested information as to how to obtain membership on the Task Force since it lacked Virginia representation; no response was provided by BOEM. The OPSE Coordinator has been in communication with the newly developing organization to represent the interests of offshore commercial fishing, RODA. Conversations

with RODA have assisted in identifying opportunities and challenges with respect to deployment of offshore wind and the best means to engage the Virginia fleet. Additionally, those conversations have been helpful in understanding the resolution reached by the northeast fishing community as Vineyard Wind was deployed. The relationship with the commercial industry has continued to grow where representatives from the east coast have shared their experiences with respect to the changes in ocean use. Fishers have shared concerns regarding the loss of access to fishing areas or changes in transit routes that would increase operating expenses or take away days at sea. The competition for access continues to be a concern as the lack of formal organization, the industry shares concerns that the developers are more able to invest in advancing energy development due to more available capacity and funding. RODA would assist in serving as a representative for the industry issues by dedicating staff capacity and resources to attend meetings.

Representatives from the industry shared experiences and concerns regarding the use of port authority boards establishing fisheries advisory councils. While the intent is good to have those councils represent the industry, the concern is the potential for conflict of interest due to the hierarchy of those organizations. Another concern that was shared by the industry is that the smaller fisheries are underrepresented and overshadowed by the larger, more lucrative fisheries. It was encouraged that we work to ensure the concerns from those smaller fisheries are considered and provided a fair representation despite their small portion of total landings. The topic of EMF was also raised in conversations with the industry, building on the work from the sturgeon EMF study and publications. The industry has shared experiences and conversations regarding changes in landings of finfish, around export cables, in both the US and European waters. Those reports have indicated reductions in catch in areas associated with cables. Since these are second hand reports, the ability to question to further the understanding of those findings was not provided. Additional conversations from the industry indicate some developers have expressed support for fishing with mobile gear in wind areas and feel there will be little limitations on their use. The industry has not shared this and continued to be concerned with their inability to deploy mobile gear for fear of gear loss or effort for little catch. Industry representatives have also shared ideas to improve communication with the VA fleet and their support for efforts in VA, despite having an organization by which one might communicate through. Their ongoing encouragement has been to continue making effort via cell, text, in-person and through gear type contacts.

By attending the Mid-Atlantic Ocean Forum in Rutgers in March of 2019, the relationship with the commercial industry improved again due to the opportunities to engage directly on current topics such as the development of Virginia's offshore wind. The OPSE Coordinator sought the involvement of the commercial industry to inform the upcoming development of the GLD and economic analysis. Support by the industry for the concept of expanding the Federal Consistency review projects not typically associated with VA was wholeheartedly supported. This was shared by representatives from multiple mid-Atlantic, northern south-Atlantic and the Northeast. More will be reported on under FY18 of the Rutgers Mid-Atlantic Forum.

The OPSE Coordinator has worked closely with the VMRC to develop the background needed for conducting a cost analysis that is proposed to be conducted under the FY18 grant. Discussions included the date ranges, gear types and sourcing relevant data to inform the

analysis. Conversations with MRC staff discussed the new experimental fisheries have been evaluated on a limited basis in Virginia, including the landing of shrimp. The challenge with such an experimental and limited fishery, are the few numbers of issued permits, geography of catch and port of landing, results in the inability to specifically include those details as they would be protected under the Rule of Three. Means to include those data have been explored with the VMRC as that project moves forward that would group or lump into other categories of boat or gear, to protect the sensitive information. More effort will be expended to explore how to include this growing fishery in the following grant cycle.

The relationship between the OPSE Coordinator and the Long Island Commercial Fishing Association, SeaFreeze, Town Dock, Garden State Seafood Association, FMC Representatives, and commercial and recreational contacts from VA, NY and NC had continued to grow during the reporting period. The Coordinator is building trust as a means to deliver vetted and factual information that will be useful to all involved. Seeking further assistance from Orsted and Dominion to expand on the role of fisheries engagement will benefit the outcome for ensuring all interests are made available during deployment of offshore energy.

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